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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1955/2017 & CM APPL. 8682/2017, 8684/2017
THE MANAGER CENTRAL BANK OF INDIA Petitioner
Through: Mr. Rajesh Kumar Gautam, Adv.
with Mr. Sorabh Dahiya, Adv.

versus

SURESHANAND Respondent
Through: Mr. Sarfaraz Khan, Adv.

+ W.P.(C) 10593/2017

SURESHANAND Petitioner
Through: Mr. Sarfaraz Khan, Adv.

versus

MANAGER, CENTRAL BANK OF INDIA Respondent
Through: Mr. Rajesh Kumar Gautam, Adv.
with Mr. Sorabh Dahiya, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **29.01.2020**

The respondent-Mr. Suresh Anand, has to be an employee of the Central Bank of India in proceedings in which they were proceeded ex parte. The Bank is aggrieved by the said order.

On the previous date i.e. 11.12.2019, the following order was passed:

"1. The present two cross writ petitions filed by the management and the workman assail the award dated 30.05.2016 passed by the learned Labour Court II, New Delhi in I.D.No.65/2009. Under the impugned award the Labour Court, after holding that the workman was an employee of the management and had been illegally terminated from has

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directed the management to pay him a lump sum compensation of Rs.50,000/-.

2. The Management has approached this Court as it is aggrieved by the finding of the Labour Court insofar as it holds the workman as its employee, while the workman is aggrieved by the fact that despite his termination being found to be illegal, he has only been awarded a meagre compensation of Rs.50,000/-.

3. On the last date, learned counsel for the workman had submitted that the workman was willing to amicably settle the matter with the Management in case he is paid a lump sum compensation of Rs. 1,50,000/-, on which aspect learned counsel for the Management had sought time to obtain instructions. Today, learned counsel for the management submits that the offer made by the workman is not acceptable to the Management.

4. In these circumstances, the writ petition has to be heard on merits.

..... "

The learned counsel for the respondent-workman submits that much time has gone by and the workman who was running a canteen may not be able to amicably carry on his work in the premises of the said bank. Therefore, he considers it prudent to find closure of the case on a lump sum settlement amount being paid to him. The workman has also filed a cross writ petition seeking enhancement of the compensation and reinstatement with full back wages. On the previous date, the workman stated that he was willing to amicably settle the *lis* if he was paid an amount of Rs. 1,50,000/-. Hypothetically, even if the Bank were to reinstate the said workman, it would cost the Bank much more than a meagre compensation of Rs. 1,50,000/- which the respondent-workman seeks towards settlement of all his claims against the Bank.

The learned counsel for the petitioner states that Rs. 50,000/- has already been paid to the respondent-workman. It would be in the interest of justice if the remaining amount of Rs. 1,00,000/- along with interest accrued thereon is credited into the bank account of the Mr. Suresh Anand-workman, within two weeks from the date of receipt of a copy of this order. The bank details of Mr. Suresh Anand are as under:-

Account Holder : Suresh Anand
Account No. : 608018210000222
Bank : Bank of India
Branch Name : Deoli Khanpur
Branch Address : C-7,8 Duggal Colony, Deoli Road,
New Delhi- 110062
IFSC Code : BKID0006080

The learned counsel for the petitioner submits that the finding that Mr. Suresh Anand was an employee of the Bank is contrary to the dicta of the Supreme Court in the following cases:-

(i) *State Bank of India and Others vs. State Bank of India Canteen Employees' Union (Bengal Circle) and Others*, (2000) 5 SCC 531, (ii) *Employers in Relation to the Management of Reserve Bank of India vs. Workmen*, (1996) 3 SCC 267 and (iii) *Balwant Rai Saluja and Another vs. Air India Limited and Others*, (2014) 9 SCC 407.

Be that as it may, since the *lis* is being settled amicably, the petitions ought to be disposed off in terms of the settlement. The learned counsel for the petitioner submits that should the aforesaid monies are paid, the respondent-workman will give up his claim as an employee of the aforesaid bank. Let it be so done and the parties shall file their undertakings in terms of the above settlement.

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The writ petitions are disposed-off accordingly.

NAJMI WAZIRI, J

JANUARY 29, 2020

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